



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1778 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

June 20, 2000

REPLY TO
ATTENTION OF

Regulatory Branch

SUBJECT: Application No. 2000-02170(0), Nationwide Permit No. (27) as Published in the Federal Register, Volume 61, No. 241, on Friday December 13, 1996, and as modified in the Federal Register, Volume 65, No. 47, on Thursday March 9, 2000

Mr. Robert W. Barnes
President Barnes Nursery Inc
3511 Cleveland Road West
Huron, Ohio 44839

Dear Mr. Barnes:

This pertains to your application for a Department of the Army permit to create deep water habitat and water fowl nesting islands in wetlands adjacent to Sandusky Bay, located at the East side of Cedar Point East access road, in the City of Sandusky, Erie County, Ohio.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit provided that the attached conditions are satisfied.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of affirmation unless the Nationwide Permit is modified, suspended or revoked. This verification will remain valid for two years if during this two year period the Nationwide Permit is reissued without modification or your activity complies with any subsequent permit modification. Please note that if you commence or are under contract to commence this activity in reliance of your Permit prior to the date this Nationwide Permit is suspended or revoked, or is modified such that your activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of this Nationwide Permit, unless this Nationwide Permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Finally, note that if

Regulatory Branch

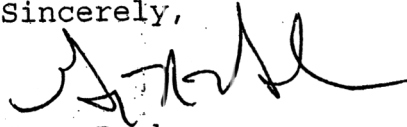
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your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Your initiation of work as authorized by the enclosed Nationwide Permit acknowledges your acceptance of the general and special conditions contained therein. Be advised, this affirmation is limited to the attached Nationwide Permit and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

Questions pertaining to this matter should be directed to me at (419) 353-6307, by writing to the following address: U.S. Army Corps of Engineers, Unit R-1-E, Box O, 1616 East Wooster Street, Bowling Green, Ohio 43402, or by e-mail at: gary.r.buck@usace.army.mil

Sincerely,



Gary Buck
Biologist

Enclosures

COMPLIANCE CERTIFICATION

General Condition 14 of the Nationwide Permit you were affirmed requires that:

"Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions; c) The signature of the permittee certifying the completion of the work and mitigation."

APPLICANT:

President Barnes Nursery Inc.
3511 Cleveland Road West
Huron, OH 44839

POINT of CONTACT:

Mr. Robert W. Barnes
President Barnes Nursery Inc.
3511 Cleveland Road West
Huron, Ohio 44839

File Number: 2000-02170(0)

File Closed: 06/20/2000

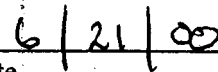
Upon completion of the activity authorized by this permit sign this certification and return it to the following address within **30-days** of project completion:

Gary Buck
U.S. Army Corps of Engineers
Unit R-1-E, Box O
1616 East Wooster Street
Bowling Green, Ohio 43402

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.



President Barnes Nursery Inc.



Date

Project Location: located at East side of Cedar Pt. East Access Road, in the City of Sandusky, Erie County, Ohio

Project Description

Authorized Impacts (Waters of U.S. Impacted by Project): 3 Acres

Waterway and/or Project Setting: in wetlands adjacent to Sandusky Bay

ACTIVITIES AUTHORIZED BY NATIONWIDE PERMIT

27. Stream and Wetland Restoration Activities. Activities in waters of the United States associated with the restoration of former waters, the enhancement of degraded tidal and non-tidal wetlands and riparian areas, the creation of tidal and non-tidal wetlands and riparian areas, and the restoration and enhancement of non-tidal streams and non-tidal open water areas as follows:

(a) The activity is conducted on:

(1) Non-Federal public lands and private lands, in accordance with the terms and conditions of a binding wetland enhancement, restoration, or creation agreement between the landowner and the U.S. Fish and Wildlife Service (FWS) or the Natural Resources Conservation Service (NRCS) or voluntary wetland restoration, enhancement, and creation actions documented by the NRCS pursuant to NRCS regulations; or

(2) Any Federal land; or

(3) Reclaimed surface coal mined lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining or the applicable state agency (the future reversion does not apply to streams or wetlands created, restored, or enhanced as mitigation for the mining impacts, nor naturally due to hydrologic or topographic features, nor for a mitigation bank); or

(4) Any private or public land;

(b) Notification: For activities on any private or public land that are not described by paragraphs (a)(1), (a)(2), or (a)(3) above, the permittee must notify the District Engineer in accordance with General Condition 13; and

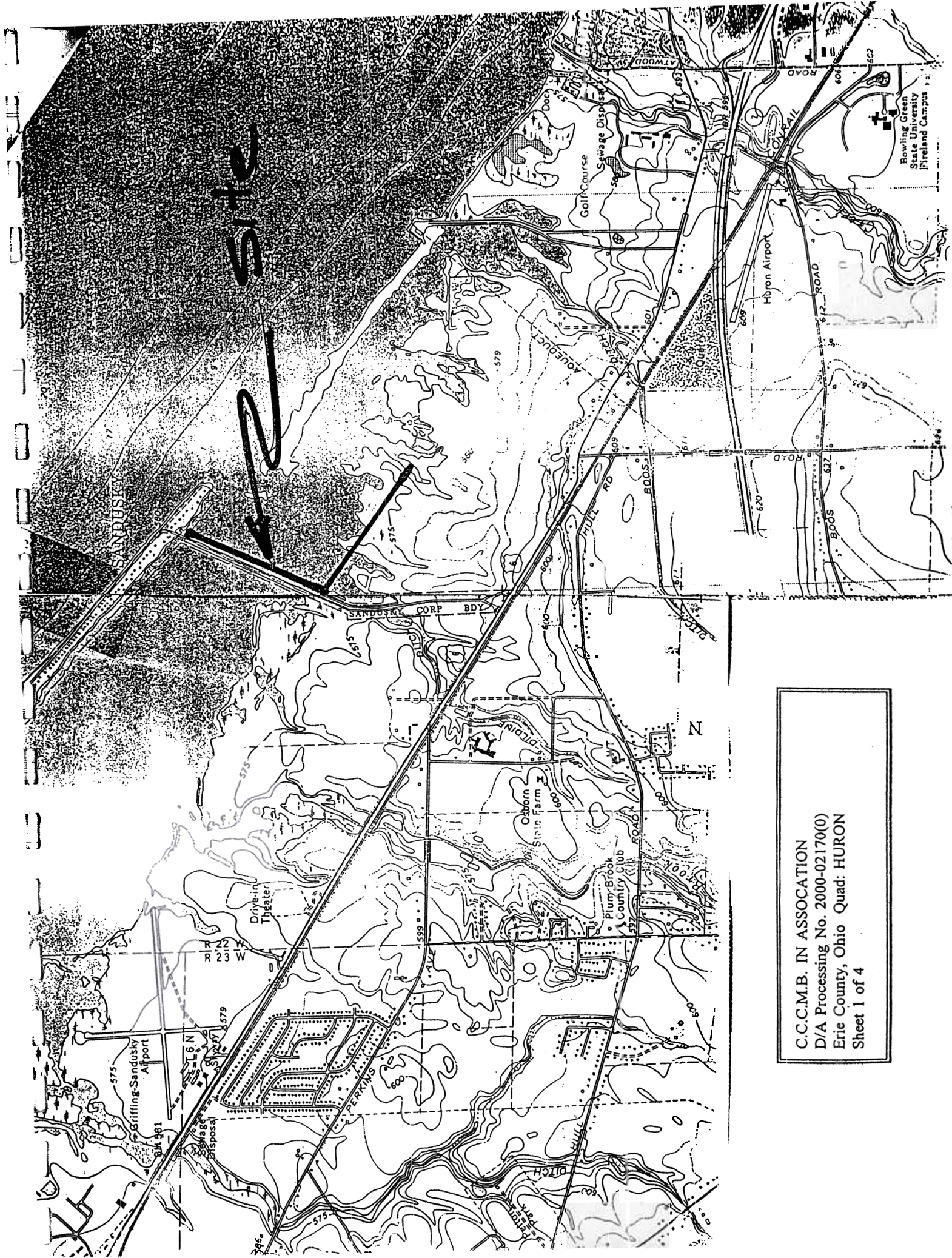
(c) Only native plant species should be planted at the site, if permitted, is vegetating the project site.

Activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms; the installation of current deflectors; the enhancement, restoration, or creation of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or create stream meanders; the backfilling of artificial channels and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands; the construction of open water areas; activities needed to reestablish vegetation, including plowing or disking for seed bed preparation; mechanized landclearing to remove undesirable vegetation; and other related activities.

This NWP does not authorize the conversion of a stream to another aquatic use, such as the creation of an impoundment for waterfowl habitat. This NWP does not authorize stream channelization. This NWP does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed. However, this NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands, on the project site provided there are net gains in aquatic resource functions and values. For example, this NWP may authorize the creation of an open water impoundment in a non-tidal emergent wetland, provided the non-tidal emergent wetland is replaced by creating that wetland type on the project site. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Reversion. For enhancement, restoration, and creation projects conducted under paragraphs (a)(2) and (a)(4), this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion. For restoration, enhancement, and creation projects conducted under paragraphs (a)(1) and (a)(3), this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or creation activities) within five years after expiration of a limited term wetland restoration or creation agreement or permit, even if the discharge occurs after this NWP expires. This NWP also authorizes the reversion of wetlands that were restored, enhanced, or created on prior-converted cropland that has not been abandoned, in accordance with a binding agreement between the landowner and NRCS or FWS (even though the restoration, enhancement, or creation activity did not require a Section 404 permit). The five-year reversion limit does not apply to agreements without time limits reached under paragraph (a)(1). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate State agency executing the agreement or permit. Prior to any reversion activity, the permittee or the appropriate Federal or State agency must notify the District Engineer and include the documentation of the prior condition. Once an area has reverted back to its prior physical condition, it will be subject to whatever the Corps regulatory requirements will be at that future date. (Sections 10 and 404)

Note: Compensatory mitigation is not required for activities authorized by this NWP, provided the authorized work results in a net increase in aquatic resource functions and values in the project area. This NWP can be used to authorize compensatory mitigation projects, including mitigation banks, provided the permittee notifies the District Engineer in accordance with General Condition 13, and the project includes compensatory mitigation for impacts to waters of the United States caused by the



C.C.C.M.B. IN ASSOCIATION
D/A Processing No. 2000-02170(0)
Erie County, Ohio Quad: HURON
Sheet 1 of 4

Point Retreat.
Cendo.

channel

N

PLAN VIEW

Irvisation channel

ODNR.
Propert.

(F)

Cedar Point Chausse East Rd.

Cedar
Point Inc

(A)

1400

P/L

P/L

Irvisation channel

P/L

300

300

400 Ft

200

1600 Ft

(B)

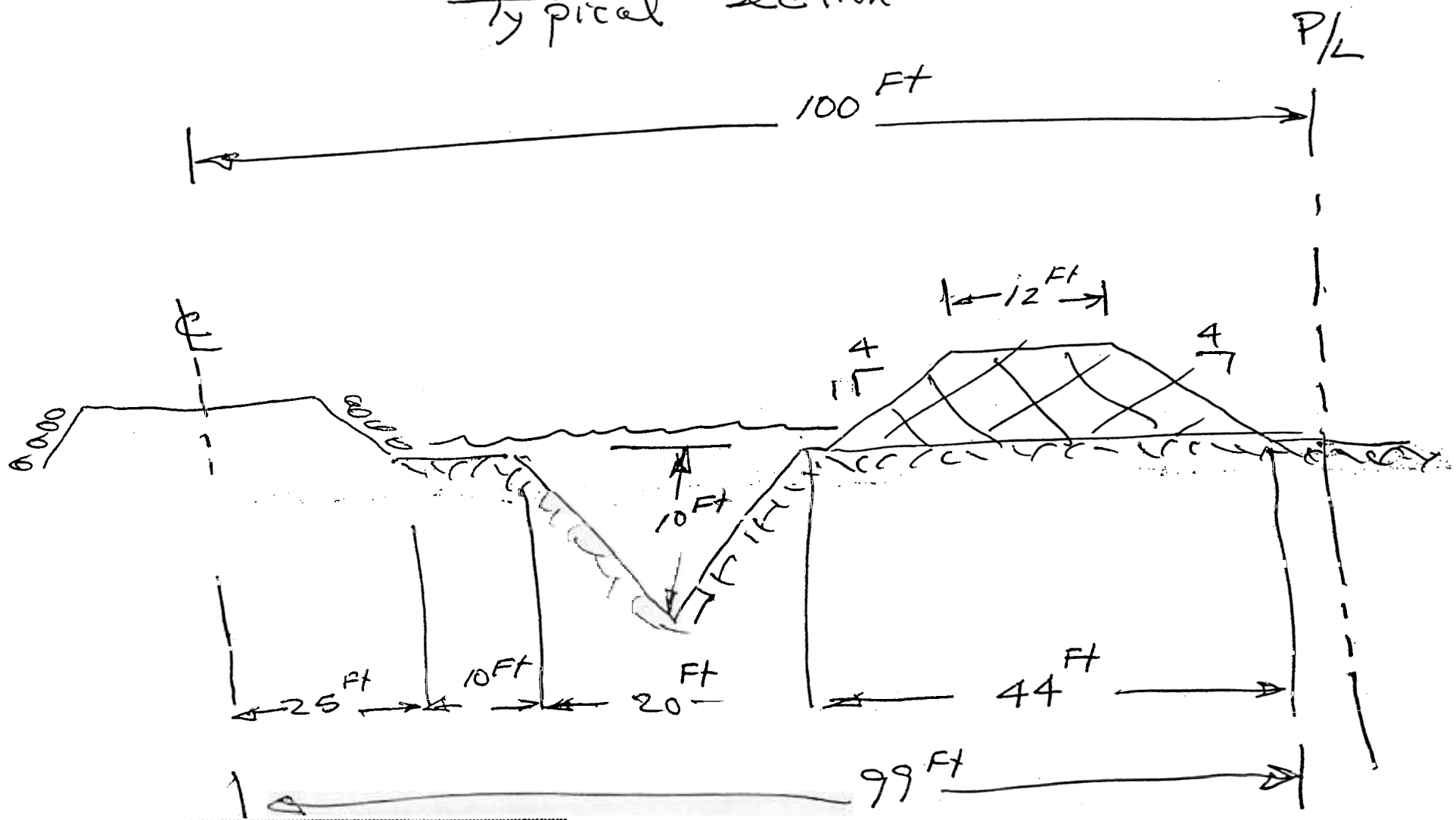
(C)

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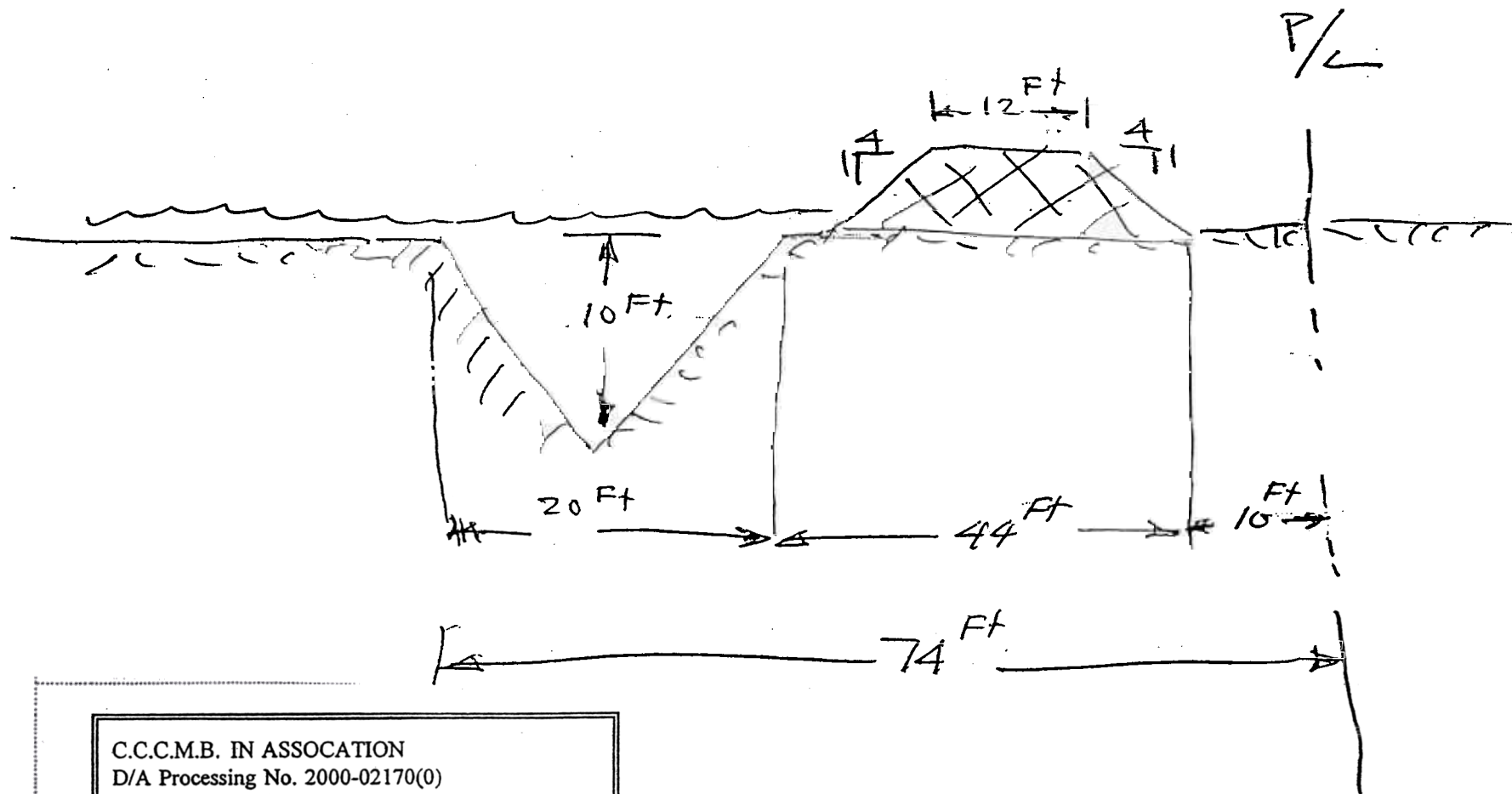
(E)

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D/A Processing No. 2000-02170(0)
Erie County, Ohio Quad: HURON
Sheet 2 of 4

Typical Section A-A



Typical Section B-B



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D/A Processing No. 2000-02170(0)
Erie County, Ohio Quad: HURON
Sheet 4 of 4